

The following communication was read by the Secretary:

TEXAS DEAF AND DUMB ASYLUM,  
AUSTIN, January 18, 1884.

To the Hon. Marion Martin, President of the Senate:

The Senate of the State of Texas, either in a body or through committee, and also as individuals, are hereby respectfully invited to visit the Texas Deaf and Dumb Asylum.

Respectfully,

WM. SHAPARD, Superintendent.

On motion of Senator Terrell,  
The Senate adjourned till 10 o'clock a. m., Monday.

## TWELFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 21, 1884.

Senate met pursuant to adjournment.  
Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner,

The reading of the journal of Saturday was dispensed with, and

The journal was adopted.

Senator Pfeuffer presented a memorial from the citizens of Llano county, protesting against a herd law.

Referred to Committee on Stock and Stockraising.

Senator Davis, chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 61, entitled "An act to authorize towns and villages incorporated for free school purposes only to issue bonds for the purpose of purchasing sites and erecting school houses thereon within the limits of such incorporated town or village, and to levy a tax for the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 31, entitled "An act to amend section 1 of an act requiring the proceeds arising from the leasing or renting of county school lands, and from the sales of timber thereon, to be applied exclusively to educational purposes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Patton, acting chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 47, entitled "An act to prescribe the duties of, and to enable sheriffs to enforce the laws in the various counties in this State," have carefully examined the same, and instruct me

to report that they find the existing laws authorizing sheriffs to appoint deputies, and, under certain emergencies, summon a *posse comitatus* for the enforcement of the laws, invest powers adequate to the duties incident to the office in making arrests, suppressing tumultuous assemblies and riots, and preserving the peace, and they fear that the enactment of a law, such as proposed by the bill, would be deleterious to the peace and order of society by authorizing sheriffs to license a number of men in each county in the State, nominally of the shrievalty, but not actively engaged in its service, to carry deadly weapons, and for these reasons to recommend that the bill do not pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 63, entitled "An act to prevent the destruction of grass within enclosures," have carefully examined the same, and recommend that the bill be amended by striking out section 2 thereof, and that so amended it do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 57, entitled "An act to further define a lawful fence and to protect owners thereof from trespass," have carefully examined the same and find that the bill proposes to make a fence constructed of wire (without the board or plank now required by law to give notice of an obstruction) a lawful fence, of which your committee do not approve, for the reason that they believe that such a fence would be very dangerous to cattle and horses, as well as to persons traveling at night and they also believe that the legalizing of such a fence would at least have a tendency to protect the owner from the payment of the damages that would likely result from the use of such a fence. For these reasons they instruct me to report the bill back with the recommendation that it do not pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred substitute House bill No. 11, entitled "An act to amend article 413, chapter 2, title 13, of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879, have carefully examined the same and recommend that the caption of said bill be amended by striking out the word "the" where it occurs before the word "penal," and inserting "a," and striking out "of," between the words "Code" and the words "and a Code of Criminal Procedure;" and that section 1 of the bill be amended by striking out the words "the" and "Revised" between the words "establish" and "Penal," and inserting the word "a," and striking out the word "of" between the words "Code" and "the," and inserting the following "and a Code of Criminal Procedure for," and that the bill so amended do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill, with committee amendments, read first time.

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 42, entitled "An act requiring one gateway in every two miles of fencing, and punishing the building or maintaining any fence without such gateway," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

Senator Matlock, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred — bill No. 48, entitled "An act to authorize district judges to change the venue in cases of felony before indictment is found," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

1. Amend section 1, line 14, by inserting after the word "district" "and that one term of the district court has been held since the commission of the offense."

2. Strike out all after the words "grand jury," in section 1, page 1, down to and including the word "district," and insert "of some adjoining county the court house of which is nearest to the court house of the county where the offense is alleged to have been committed, unless it be made to appear to the satisfaction of the court that such nearest county is subject to some objection sufficient to authorize a change of venue in the first instance."

All of which is respectfully submitted.

MATLOCK, for Committee.

Bill and committee amendments read first time.

On motion of Senator Matlock, 100 copies of Senate bill No. 50, a bill to be entitled "An act to amend sections 4, 6, 7, 8, 9, 12, 13 and 16, and to repeal sections 7, 8 and 17 of an act entitled 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb, and orphan asylum funds,' approved April 12, 1883, and to add additional provisions thereto," were ordered printed for the use of the Senate.

Senator Shannon, by request, introduced a bill to be entitled "An act to control and dispose of all the lands heretofore or hereafter surveyed and set apart for the benefit of the common school fund, save and except the land thereof classed as timbered."

Senator Collins introduced a bill to be entitled "An act to make it unlawful for any person to turn out of an enclosure their live stock to range at large upon the outside."

Referred to Committee on Stock and Stockraising. Senator Matlock introduced a bill to be entitled "An act to prevent the wilful killing of stock."

Referred to Judiciary Committee No. 2.

The President referred House bill No. 13, "An act to amend 'an act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same,' approved April 7, 1879, and to extend the right of redemption," to Committee on Finance.

On motion of Senator Traylor, the Senate went into committee of the whole for the consideration of Senate bill No. 2, "An act regulating the grazing of stock, and to provide for enforcing penalties," etc., pending on adjournment Saturday.

Adopted, and

The Senate went into committee of the whole.

IN SENATE.

Senator Buchanan, chairman of committee of the whole, reported progress, and asked leave to sit again this afternoon at three o'clock.

Senator Collins, by permission, introduced a bill to be entitled "An act to make it unlawful hereaf-

ter for any person to enclose any land not his own nor under his control, and to provide ample redress in all cases wherein such lands may have been so enclosed heretofore."

Referred to Committee on Stock and Stockraising. On motion of Senator Harris,

The Senate adjourned till three o'clock this afternoon.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin, President of the Senate, in the chair.

Roll called.

Quorum present.

On motion of Senator Buchanan, Senators Johnston of Shelby and Kleberg, were excused, Senator Johnston until Thursday, and Senator Kleberg for the week.

On motion of Senator Harris, the Senate again went into the committee of the whole.

IN SENATE.

Senator Buchanan, chairman of the committee of the whole, reported progress and asked leave to sit again to-morrow at 10 o'clock a. m.

On motion of Senator Gooch, the report of the chairman of the committee of the whole was adopted.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 30, entitled "An act to amend section 40 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

The bill adds the twelfth district to the number of those in which a district attorney is to be elected at the next general election, and makes no other change in the law.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

On motion of Senator Harris,

The Senate adjourned till 10 o'clock a. m. to-morrow.

#### THIRTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 22, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Dabney.

On motion of Senator Chesley,

The reading of yesterday's journal was dispensed with, and

The same adopted.

On motion of Senator Chesley,

Senator Stratton was excused for to-day, on account of sickness.